

NACDL - Government Hacking

4-5 minutes

Sample Motions & Briefs

[Sample Opening Brief](#)

United States v. David Tippens (2017)

[Sample Motion to Compel Discovery and Production of Evidence](#)

United States v. Matthew Schwier (2020)

Sample Cases

[United States v. Anthony Gonzales \(2019\)](#)

Case No. CR-17-01311-001-PHX-DGC

[United States v. James Scott Alva \(2018\)](#)

Case No. 2:14-cr-00023-RCJ-NJK

[United States v. Douglas Blouin \(2017\)](#)

Case No. CR16-307 TSZ

[United States v. Jay Michaud \(2016\)](#)

Case No. 3:15-cr-05351-RJB

[United States v. Christopher Hall \(2015\)](#)

Case No: 2:15-cr-7-FtM-29CM

[United States v. Jeffrey Feldman \(2014\)](#)

Case No. 13–CR–155

[United States v. Paul Case \(2014\)](#)

Case No. 13–CR–120

Resources

Video Trainings

Challenging Digital Evidence Obtained through RoundUp and Torrential Downpour in Criminal Cases

Challenging Digital Evidence Obtained through Roun...



This webinar from August 11, 2020 featured **Mohammad Hamoudi**, Assistant Federal Defender for the Western District of Washington, **Jeff Fischbach**, founder and President of SecondWave Information Systems, and **Robert Herz**, the owner of the Law Offices of Robert Herz, P.C.

Defending Your Client When the Government Launders Evidence

Parallel Construction – Defending Your Client When ...



This program from November 29-30, 2018 featured **Ashley Gorski**, Staff Attorney, ACLU National Security Project, **Brian Pori**, Assistant Federal Public Defender, Federal Public Defender's Office (D. N.M.), and **Sarah St. Vincent**, the Director of Cornell Tech's Computer Security Clinic for Survivors of Intimate Partner Violence (IPV).

Challenging Government Hacking in Criminal Cases

Challenging Government Hacking in Criminal Cases



This program from November 29-30, 2018 featured **Colin Fieman**, Senior Litigator with the Federal Public Defender, Western District of Washington, **Jonathan Mayer**, Assistant Professor of Computer Science and Public Affairs at Princeton University, and **Riana Pfefferkorn**, Associate Director of Surveillance and Cybersecurity at the Stanford Center for Internet and Society.

How to Expose the Government's Evidence Laundering

Parallel Construction: How to Discover the Governm...



This webinar from May 23, 2018 featured **Sarah St. Vincent**, the Director of Cornell Tech's Computer Security Clinic for Survivors of Intimate Partner Violence (IPV), and **Brian Pori**, Assistant Federal Public Defender with the Federal Public Defender Organization for the District of New Mexico

Challenging Government Hacking in Criminal Cases

Defending Government Hacking Cases [webinar]



This webinar from August 9, 2017 featured **Colin Fieman**, Senior Litigator with the Federal Public Defender, Western District of Washington, and **Paul Ohm**, Professor of Law at the Georgetown University Law Center.

Other Resources

- [Government Hacking](#)
Jonathan Mayer, *The Yale Law Journal*, Volume 127, Number 3, pp. 490-787
- [Forensics in Peer-to-Peer Sharing and Associated Litigation Challenges](#)
Mohammad Hamoudi and Terry Lahman
- [Nits a No-Go: Disclosing Exploits and Technological Vulnerabilities in Criminal Cases](#)
Rupinder Garcha, *93 N.Y.U. L. Rev.* 822
- [Playpen, the NIT, and Rule 41\(b\): Electronic Searches for Those Who Do Not Wish to Be Found](#)
Kurt Widenhouse, *13 J. Bus. & Tech. L.* 143
- [Surveillance Technology and Graymail in Domestic Criminal Prosecutions](#)
16 Geo. J.L. & Pub. Pol'y 537
- [Reverse Engineering a Nit That Unmasks Tor Users](#)
Matthew Miller, et al., *Annual ADFSL Conference on Digital Forensics, Security and Law*.

- [You've Got Mail FBI Hacking in United States v Lough and Why It Is a Fourth Amendment Search](#)

Ryan Dieter, 63 *Vill. L. Rev. Online* 10

Need help with a government hacking case?

The Center is available to provide consultations and litigation resources as well as direct assistance in support of a defendant's Fourth Amendment claims. Specifically, the Center may assist in motion practice, preparation for suppression hearings, appellate strategy, brief writing, and oral argument. The Center also provides group trainings for defense lawyers around the country and upon request.

To request assistance or additional information, contact 4AC@nacdl.org.